

Introduced by Senator Figueroa

February 23, 2001

An act to amend Section 8027 of, and to repeal Section 8006 of, the Business and Professions Code, relating to shorthand reporters.

LEGISLATIVE COUNSEL'S DIGEST

SB 852, as introduced, Figueroa. Shorthand reporters.

(1) Existing law sets forth certain requirements for court reporting schools, including program requirements, recordkeeping requirements, and teacher qualification requirements.

This bill would make specified changes and additions to the requirements for court reporting schools. The bill also would require the Court Reporters Board in the Department of Consumer Affairs, to adopt regulations implementing certain requirements by September 1, 2002, and would authorize the board to issue administrative citations and assess fines for violations of its rules and regulations. The bill would provide that revenue from those fines is deposited in the General Fund.

(2) Under existing law, the Court Reporters Board is authorized to grant provisional recognition to a new court reporting school, and may withdraw recognition for failure to comply with specified legal requirements. The board is required to conduct necessary inspections and investigations.

This bill would authorize the board to withdraw recognition from a school for failure to comply with any applicable law or regulation. The bill would also authorize the board to conduct unannounced site visits as part of its inspection duties.

(3) Because a violation of any of the provisions regulating the practice of shorthand reporters is a misdemeanor, this bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8006 of the Business and Professions
2 Code is repealed.

3 ~~8006. The Court Reporters Board of California shall provide~~
4 ~~to the Joint Legislative Sunset Review Committee, no later than~~
5 ~~October 1, 1999, an assessment of all of the possible causes of the~~
6 ~~low pass rate for its examination and recommendations to improve~~
7 ~~the pass rate and education of shorthand reporters. This assessment~~
8 ~~shall be done in conjunction with schools providing shorthand~~
9 ~~court reporting training programs, with the Department of~~
10 ~~Consumer Affairs Bureau for Private Postsecondary and~~
11 ~~Vocational Education, and Office of Examination Resources. The~~
12 ~~board shall present a plan to offer both the written and dictation~~
13 ~~portions of the licensing examination more than twice per year,~~
14 ~~and substantiate any need to increase the examination fee.~~

15 SEC. 2. Section 8027 of the Business and Professions Code
16 is amended to read:

17 8027. (a) As used in this section, “school” means a court
18 reporter training program or an institution that provides a course
19 of instruction approved by the board, and is approved by the
20 Council for Private Postsecondary and Vocational Education, is a
21 public school in this state, or is accredited by the Western
22 Association of Schools and Colleges.

23 (b) A court reporting school shall be primarily organized to
24 train students for the practice of shorthand reporting, as defined in
25 Sections 8016 and 8017. Its educational program shall be on the
26 postsecondary or collegiate level, ~~and shall be a residence~~

~~program; its educational program shall not be a correspondence program.~~ It shall be legally organized and authorized to conduct its program under all applicable laws of the state, and shall conform to and offer all components of the minimum prescribed course of study established by the board. Its records shall be kept and shall be maintained in a manner to render them safe from theft, fire, or other loss. The records shall indicate positive daily and clock-hour attendance of each student *for all classes*, apprenticeship and graduation reports, high school transcripts or equivalent, or self-certification of high school graduation or equivalency, transcript of other education, and student progress to date, *including all progress and counseling reports*.

(c) Any school intending to offer a program in court reporting shall notify the board within 30 days of the date on which it provides notice to, or seeks approval from, the California Department of Education, the Council for Private Postsecondary and Vocational Education, the Chancellor's Office of the California Community Colleges, or the Western Association of Schools and Colleges, whichever is applicable. The board shall review the proposed curriculum and provide the school tentative approval, or notice of denial, within 60 days of receipt of the notice. The school shall apply for provisional recognition pursuant to subdivision (d) within no more than one year from the date it begins offering court reporting classes.

(d) The board may grant provisional recognition to a new court reporting school upon satisfactory evidence that it has met all of the provisions of subdivision (b) and this subdivision. Recognition may be granted by the board to a provisionally recognized school after it has been in continuous operation for a period of no less than three consecutive years from the date provisional recognition was granted, during which period the school shall provide satisfactory evidence that at least one person has successfully completed the entire course of study established by the board and complied with the provisions of Section 8020, and has been issued a certificate to practice shorthand reporting as defined in Sections 8016 and 8017. The board may, for good cause shown, extend the three-year provisional recognition period for not more than one year. Failure to meet the provisions and terms of this section shall require the board to deny recognition. Once granted, recognition may be

1 withdrawn by the board for failure to comply with ~~the~~
2 ~~requirements of this section~~ *all applicable laws and regulations*.

3 (e) Application for recognition of a court reporting school shall
4 be made upon a form prescribed by the board and shall be
5 accompanied by all evidence, statements, or documents requested.
6 Each branch, extension center, or off-campus facility requires
7 separate application.

8 (f) All recognized and provisionally recognized court reporting
9 schools shall notify the board of any change in school name,
10 address, telephone number, responsible court reporting program
11 manager, owner of private schools, and the effective date thereof,
12 within 30 days of the change. All of these notifications shall be
13 made in writing.

14 (g) A school shall notify the board in writing immediately of
15 the discontinuance or pending discontinuance of its court
16 reporting program or any of the program's components. Within
17 two years of the date this notice is sent to the board, the school shall
18 discontinue its court reporting program in its entirety. The board
19 may, for good cause shown, grant not more than two, one-year
20 extensions of this period to a school. If a student is to be enrolled
21 after this notice is sent to the board, a school shall disclose to the
22 student the fact of the discontinuance or pending discontinuance
23 of its court reporting program or any of its program components.

24 (h) The board shall maintain a roster of currently recognized
25 and provisionally recognized court reporting schools including,
26 but not limited to, the name, address, telephone number, and the
27 name of the responsible court reporting program manager of each
28 school.

29 (i) The board shall maintain statistics which display the number
30 and passing percentage of all first-time examinees, including, but
31 not limited to, those qualified by each recognized or provisionally
32 recognized school and those first-time examinees qualified by
33 other methods as defined in Section 8020.

34 (j) Inspections and investigations shall be conducted by the
35 board as necessary to carry out this section, *including, but not*
36 *limited to, unannounced site visits*.

37 (k) All recognized and provisionally recognized schools shall
38 print in their school or course catalog the name, address, and
39 telephone number of the board. At a minimum, the information

1 shall be in 8-point bold type and include the following statement:

2
3 “IN ORDER FOR A PERSON TO QUALIFY FROM A
4 SCHOOL TO TAKE THE STATE LICENSING
5 EXAMINATION, THE PERSON SHALL COMPLETE A
6 PROGRAM AT A RECOGNIZED SCHOOL. FOR
7 INFORMATION CONCERNING THE MINIMUM
8 REQUIREMENTS THAT A COURT REPORTING PROGRAM
9 MUST MEET IN ORDER TO BE RECOGNIZED, CONTACT:
10 THE COURT REPORTERS BOARD OF CALIFORNIA;
11 (ADDRESS); (TELEPHONE NUMBER).”
12

13 (l) Each court reporting school shall file with the board, not
14 later than June 30 of each year, a current school catalog which
15 shows all course offerings and staff, and for private schools, the
16 owner, except that where there have been no changes to the catalog
17 within the previous year, no catalog need be sent. In addition, each
18 school shall also file with the board a statement certifying ~~that~~
19 *whether* the school is in compliance with all statutes and the rules
20 and regulations of the board, signed by the responsible court
21 reporting program manager.

22 (m) No school offering court reporting shall make any written
23 or verbal claims of employment opportunities or potential
24 earnings unless those claims are based on verified data and reflect
25 current employment conditions.

26 (n) ~~Any person teaching an academic course, that is a course~~
27 ~~other than machine shorthand or typing, in a court reporting~~
28 ~~program shall meet one of the following criteria:~~

29 ~~(1) Possess a minimum of an Associate of Arts degree and, in~~
30 ~~addition, either a minimum of two years of experience teaching the~~
31 ~~subject being taught or at least two years’ work experience in a job~~
32 ~~substantially related to the subject being taught.~~

33 ~~(2) Possess a current license as a certified shorthand reporter~~
34 ~~and, in addition, either a minimum of two years of experience~~
35 ~~teaching the subject being taught or at least two years’ work~~
36 ~~experience in a job substantially related to the subject being taught.~~

37 ~~(3) Possess a minimum of four years’ experience teaching the~~
38 ~~subject being taught or a minimum of four years’ work experience~~
39 ~~in a job substantially related to the subject being taught.~~

~~(4) Possess a minimum of a Bachelor of Arts or Bachelor of Science degree in the subject being taught.~~

~~(e) If a school offers a course of instruction that exceeds the board's minimum requirements, the school shall disclose orally and in writing the board's minimum requirements and how the course of instruction differs from those criteria. The school shall make this disclosure before a prospective student executes an agreement obligating that person to pay any money to the school for the course of instruction.~~

(o) Each school shall provide each prospective student with all of the following and have the prospective student sign a document that shall become part of that individual's permanent record, acknowledging receipt of each item:

(1) A student consumer information brochure published by the board.

(2) A list of the school's graduation requirements, including the number, required points to pass, and type, jury charge, literary, of each test at each machine speed level.

(3) A list of requirements to qualify for the state certified shorthand reporter licensing examination, including the number, required points to pass, and type, jury charge, literary, of each test at each machine speed level, if different than those requirements listed in paragraph (2).

(4) A copy of the school's board-approved benchmarks for satisfactory progress as identified in subdivision (u).

(5) A report showing the number of students from the school who qualified for each of the three preceding certified shorthand reporter licensing examinations, the number of those students that passed each examination, the time each student that qualified for the examination was enrolled in court reporting school, and the placement rate for each student that passed each examination.

(6) On and after January 1, 2005, the school shall also provide to prospective students the number of hours each currently enrolled student has attended court reporting classes.

(7) The school shall provide to the board, for each student qualifying through the school as eligible to sit for the state licensing examination, the number of hours the student attended court reporting classes, both academic and machine speed classes including theory.

1 *Public schools shall provide the information in paragraphs (1)*
2 *to (6), inclusive, to each new student the first day he or she attends*
3 *theory or machine speed class, if it was not provided previously.*

4 *(p) Each enrolled student shall be provided written notification*
5 *of any change in qualification or graduation requirement that is*
6 *being implemented due to the requirements of any one of the*
7 *school's oversight agencies. This notice shall be provided to each*
8 *affected student at least 30 days before the effective date of the*
9 *change and shall state the new requirement and the agency that is*
10 *requiring it of the school. Each student shall initial and date a*
11 *document acknowledging receipt of that information and that*
12 *document, or a copy thereof, shall be made part of the student's*
13 *permanent file.*

14 *(q) Schools shall make available a comprehensive final*
15 *examination in each academic subject to any student desiring to*
16 *challenge an academic class in order to obtain credit towards*
17 *certification for the state licensing examination. The points*
18 *required to pass a challenge examination shall not be higher than*
19 *the minimum points required of other students completing the*
20 *academic class.*

21 *(r) An individual serving as a teacher, instructor, or reader*
22 *shall meet the qualifications specified by regulation for his or her*
23 *position.*

24 *(s) Each school shall provide a substitute teacher or instructor*
25 *for any class for which the teacher or instructor is absent for two*
26 *consecutive days.*

27 *(t) The board has the authority to approve or disapprove*
28 *benchmarks for satisfactory progress which each school shall*
29 *develop for its court reporting program. Schools shall use only*
30 *board-approved benchmarks to comply with the provisions of*
31 *paragraph (4) of subdivision (o) and subdivision (u).*

32 *(u) Each school shall counsel each student a minimum of one*
33 *time within each 12-month period to identify the level of*
34 *attendance and progress, and the prognosis for completing the*
35 *requirements to become eligible to sit for the state licensing*
36 *examination. If the student has not progressed in accordance with*
37 *the board-approved benchmarks for that school, the student shall*
38 *be counseled a minimum of one additional time within that same*
39 *12-month period.*

(v) The pass rate of first-time exam takers for each school offering court reporting shall meet or exceed the average pass rate of all first-time test takers for a majority of examinations given for the preceding three years. Failure to do so shall require the board to conduct a review of the program. In addition, the board may place the school on probation and may withdraw recognition if the school continues to place below the above described standard on the two exams that follow the three-year period.

(w) *In addition to the authority to conduct disciplinary proceedings under this chapter, the board, through its duly authorized representatives, shall have authority to issue administrative citations or assess fines for the violation of any rules and regulations adopted by the board under the provisions of this chapter. Revenue from fines collected pursuant to this section shall be deposited in the General Fund.*

(x) *The board shall adopt regulations to implement the requirements of this section not later than September 1, 2002.*

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

